

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOHN HARPER,)
)
Plaintiff,)
)
v.) No. 4:09CV480 RWS
)
MARSHALL FORD SALES, INC.,)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on remand from the United States Court of Appeals for the Eighth Circuit. On April 2, 2009, this Court sua sponte dismissed this action for lack of subject matter jurisdiction. Upon review, the Court of Appeals determined that this Court should not have dismissed this action without providing plaintiff with notice or an opportunity to amend his complaint. Accordingly, the Court will order plaintiff either to show cause, in writing, why this action should not be dismissed for lack of subject matter jurisdiction as stated in the Court's April 2, 2009, Order or to file an amended complaint. If plaintiff files an amended complaint, the Court will review it pursuant to Rule 12(h)(3) of the Federal Rules of Civil Procedure. Plaintiff shall comply with this Order no later than April 9, 2010.

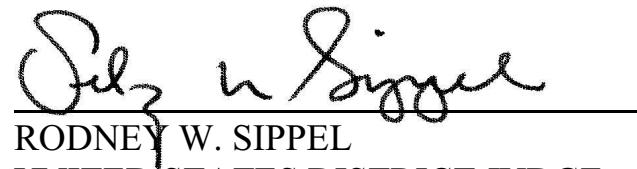
Additionally, the Court reminds plaintiff that he is required to serve defendant within the time allowed under Rule 4 of the Federal Rules of Civil Procedure.

Accordingly,

IT IS HEREBY ORDERED that plaintiff shall either show cause, in writing, why this action should not be dismissed for lack of subject matter jurisdiction or file an amended complaint. Plaintiff shall comply with this Order no later than **April 9, 2010.**

IT IS FURTHER ORDERED that if plaintiff fails to comply with this Order, the Court will dismiss this action without prejudice.

Dated this 18th day of March, 2010.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE